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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/517,027	07/21/2005	Goran Sjoborg	ABE-37256	2855
116 7590 08/17/2010 PEARNE & GORDON LLP 1801 EAST 9TH STREET SUITE 1200 CLEVELAND, OH 44114-3108				
EXAMINER				
GRANT, ALVIN J				
ART UNIT		PAPER NUMBER		
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/517,027

**Applicant(s)**

SJOBERG, GORAN

**Examiner**

ALVIN J. GRANT

**Art Unit**

3723

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 June 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/CD)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims **1-4, 8, 9 and 11-20** are rejected under 35 U.S.C. 103(a) as being unpatentable over Wang 5,933,900 in view of Blum et al. 6,735,806.

Wang discloses a surface treating apparatus comprising: a shaft **(114)** with a handle by means of which the apparatus can be guided on the surface to be cleaned and a frame structure **(22)** having several rolls **(80,78,84,76,82)** about which an endless conveyor belt **(28)** for liquid and dirt particles is arranged so that a portion of the belt between the rolls **(82,80)** abuts the surface and is placed such that it is mainly parallel to the surface; the frame structure comprises a mainly flat wall portion **(at 30)** that the conveyor belt **(28)** abuts and that is mainly parallel to the surface; the frame structure is box shaped and encloses an electric motor with a drive shaft that by means of a gear transmits the driving motion of the drive shaft to at least one of the rolls **(col. 7, lines 24-45)**; the frame structure supports a removable container part **(98)** in which liquid and dirt particles are collected; the frame structure comprises at least two parts **(80,82)** that are turnable with respect to one another and that when the parts are aligned with one another constitute a track for the conveyor belt **(28)** and which

Art Unit: 3723

when the parts are angled with respect to one another admits that the conveyor belt is removed from the track; the conveyor belt comprises a support layer with an outer micro fiber layer (**col. 6, lines 4-14**). Wang does not specifically disclose a scratching mechanism for removing dirt and water from the belt. Wang; however, discloses an alternate but equivalent means for removing liquid and dirt particles from the belt with expected results. Applicant's means for removing liquid and dirt from the belt is known as evidenced by Blum et al. who teaches that liquid and dirt may be removed from the belt by means of a revolving projecting element. It would have been obvious to one having ordinary skills in the art at the time the invention was made to have made Wang's apparatus to have a rotating projecting scratching means as taught by Blum et al et al. so as to remove liquid and dirt from the belt.

3. **Claims 5-6 and 10** are rejected under 35 U.S.C. 103(a) as being unpatentable over Wang in view of Blum et al. and in further view of Lynn 5,203,047.

Wang is described above. **Referring to claims 5 and 6**, Wang does not specifically disclose a pump. Lynn discloses a cleaning apparatus having a pump so as to pump the cleaning fluid through the supply tube. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have made Wang's apparatus to have a pump as taught by Lynn so as to pump the cleaning fluid through the supply tube.

**Referring to claim 10**, Wang does not specially disclose a nozzle. Lynn discloses the use of a nozzle so as to spray the cleaning fluid to the surface to be

Art Unit: 3723

cleaned. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have made Wang's apparatus to have a nozzle as taught by Lynn so as to spray the cleaning fluid to the surface to be cleaned. It is noted that the removable collecting container for the dirty liquid is *arranged* so that dirt particles and liquid removed from the belt will be brought to the collecting chamber.

4. **Claim 7** is rejected under 35 U.S.C. 103(a) as being unpatentable over Wang and Blum et al. in view of Lynn and in further view of Chupin et al. 4,918,778.

Wang as modified is described above. The modified Wang does not specifically disclose a filter. Chupin et al. discloses a rotary band cleaning device for cleaning a conveyor belt the device having a filter so as to remove sediments from the cleaning fluid prior to the reuse thereof. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have installed a filter in the modified Wang's apparatus as taught by Chupin et al. so as to remove sediments from the cleaning fluid prior to the reuse thereof.

#### ***Response to Arguments***

5. Applicant's arguments filed 6/3/10 have been fully considered but they are not persuasive.

6. Applicant's arguments that US 5,933,900 (to Wang) does not disclose an alternate but equivalent means for cleaning the belt is not convincing. Wang discloses a method of cleaning the belt that does not involve *scratching*

Art Unit: 3723

but it cleans the belt non theless. The fact of the matter is however, that it is US 6,735,806 (to Blum et al.) that is relied upon as the teaching reference for cleaning the belt.

7. Applicant's arguments that Blum et al. uses a sheet brush that can only remove large loose objects from the belt is not convincing. Blum discloses that the brushes used for cleaning the belt may have wire bristles; these bristles would certainly *scratch* the dirt from the surface of the belt.

8. Applicant's arguments that one of ordinary skill in the art would not combine Wang and Blum et al. since they are very different technologically and functionally is not convincing, is not convincing. The test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. In re Keller, 642 F. 2d 413, 425, 208 USPQ 871, 881 (CCPA 1981). In this regard, a conclusion of obviousness may be based on common knowledge and common sense of the person of ordinary skill in the art without any specific hint or suggestion in a particular reference. In re Bozek, 416 F.2d 1385, 1390, 163 USPQ 545, 549 (CCPA 1969).

9. The remainder of Applicant's arguments is based on the assumption that the application of Wang and Blum et al. is incorrect.

***Conclusion***

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **ALVIN J. GRANT** whose telephone number is (571)272-4484. The examiner can normally be reached on Mon-Fri 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph J. Hail can be reached on (571) 272-4485. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3723

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Alvin J Grant/  
Examiner, Art Unit 3723